IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2341 OF 2003.
IN
SUMMARY SUIT NO. 838 OF 1997.

1. Smt. Sonal M. Lakhani & Anr.] .. Plaintiffs

Versus

Pradip D. Lakhani.] .. Defendant

None for the plaintiffs.

Mr. Tushar Bhavsar i/b Manoj Bhatt for the defendant.

CORAM: ANOOP V. MOHTA, J.

DATED: 12TH SEPTEMBER, 2005

P.C. :

1. This Notice of Motion has been taken out by the plaintiffs basically praying for permission to prosecute the defendant for offence punishable under Section 193 for fabricating false evidence in the judicial proceedings and under Section 196 for using false and fabricated evidence.

2. The matter was on Board on Friday 9th September, 2005. None appeared for the plaintiffs. The

matter was called out twice today. Again none appeared for the plaintiffs. Learned counsel appearing for the defendant, apart from merit, also pointed out that as per instructions, Notice of Motion No.1586 of 2000 dated 11th May 2000, based on identical prayer was disposed of as withdrawn. The suit is pending. Therefore, I am of the view that there is no point to keep this Notice of Motion pending.

3. Therefore, keeping all points open, Notice of Motion is disposed of with liberty.

[ANOOP V. MOHTA, J.]

[srpasha@hc]